

RESOLUTION NO. 20191205-081

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners:	PS Texas Holdings, Ltd., a Texas Corporation
Project:	Austin Energy Circuit 811 Upgrade Parcel 12 Project

Public Use: For upgrading the capacity of the overall electric system, and ensuring the distribution of safe and reliable electric services to the community. An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

Location: 8129 North Lamar Boulevard, Austin, Travis County, Texas 78753

The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive, in Austin, Travis County, Texas. (District 4).

Property: Described in the attached and incorporated Exhibit A and B.

ADOPTED: December 5, 2019

ATTEST:



Jannette S. Goodall
City Clerk



EXHIBIT "A"

SURVEY OF A 0.009 ACRES OR 400 SQUARE FEET OF LAND, A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57, ABSTRACT NUMBER 789, AND A PART OF A CALLED 2.925 ACRES OF LAND DESCRIBED TO PS TEXAS HOLDINGS, LTD. RECORDED IN THAT CERTAIN WARRANTY DEED RECORDED IN VOLUME 12841, PAGE 981, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.009 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point not set having Grid Coordinates of Y(N) 10100770.802, X(E) 3124004.038 United States state plane coordinate system, Texas Central Zone 4203, NAD83, for the west corner of the herein described 0.009 acres of land, same being coincident with the southeast Right-of-Way line of North Lamar Boulevard (Right-of-Way varies), the northwest line of the said 2.925 acres of land and from this point an "X" cut in concrete found coincident with southeast right-of-way line of the said North Lamar Boulevard, same being the west common corner of Lot 5-A, Resubdivision Of Lot 5, Block B of Eubank Acres Section 1, a subdivision in Travis County, Texas according to the Plat recorded in Volume 48, Page 4, Plat Records, Travis County, Texas, as described to Bremerton LLC in that certain General Warranty Deed recorded in Document Number 2016177180, Official Public Records, Travis County, Texas and Lot 1, Santa Maria Village, a subdivision in Travis County, Texas according to the Plat recorded in Volume 30, Page 13, Real Property Records, Travis County, Texas, as described to Santa Maria Apartments, LLC in the certain Special Warranty Deed recorded in Document Number 2012212079, Official Public Records, Travis County, Texas bears along a curve to the left, concave to the southeast, having the following curve elements: Delta Angle 03°51'50", Radius Length 7,589.49 feet, Arc Length 511.81 feet, Chord Bearing South 42°08'36" West and a Chord Distance of 511.72 feet;

THENCE, coincident with the southeast right-of-way line of the said North Lamar Boulevard and the northeast line of the said 2.925 acres of land along a curve to the right, concave to the southeast, having the following curve elements: Delta Angle 00°09'04", Radius Length 7,589.49 feet, Arc Length 20.00 feet, Chord Bearing North 44°09'03" East and a Chord Distance of 20.00 feet, to a calculated point not set for the north corner of the herein described 0.009 acres and the said 2.925 acres of land, same being the west corner of Lot B, Limon-Dement Addition, a subdivision in Travis County according to the Plat recorded Volume 78, Page 289, Plat Records, Travis County, Texas, as described to Larry Thomison and Rickie Thomison in that certain General Warranty Deed With Vendor's Lien recorded in Volume 11819, Page 1742, Real Property Records, Travis County, Texas, from this point a one-half inch iron rod found for the north corner of Lot A, Limon-Dement Addition, as described to 8151 North Lamar, L.P. in that certain General Warranty Deed With Vendor's Lien recorded in Document Number 2014009267, Official Public Records, Travis County, Texas, same being a point of curvature in the southwest Right-of-Way line of West Powell Lane (Right-of-Way varies) bears along a curve to the right, concave to the southeast, having the following curve elements: Delta Angle 02°28'20", Radius Length 7,589.49 feet, Arc Length 327.47 feet, Chord Bearing North 45°27'44" East and a Chord Distance of 327.44 feet coincident with the southeast right-of-way line of North Lamar Boulevard and the northwest line of the said Limon-Dement subdivision to a calculated point not set at the intersection of the southeast line of North Lamar Boulevard with the southwest line of West Powell Lane, and along a curve to the right, concave to the southeast, coincidence with the curving southwest line of West Powell Lane, having the following curve elements: Delta Angle 71°15'11", Radius Length 18.00 feet, Arc Length 22.38 feet, Chord Bearing North 82°15'10" East and a Chord Distance of 20.97 feet;

EXHIBIT "A"

THENCE South $62^{\circ}20'25''$ East, coincident with the common dividing line of the said 2.925 acres of land and the said Lot B, a distance of 20.87 feet to a calculated point not set for the east corner of the herein described 0.009 acres of land and from this point a three-quarters inch inside diameter iron pipe found for the south corner of the said Lot B, same being a point on the northeast line of the said 2.925 acres of land and the west corner of a called 0.922 acres of land described to George H. Dreyfus And Dominique Dreyfus Leon in that certain General Warranty Deed recorded in Document Number 2016073164, Official Public Records, Travis County, Texas bears South $62^{\circ}20'25''$ East, a distance of 298.08 feet;

THENCE departing the last said common dividing line and crossing over the said 2.925 acres of land, along a curve to the left, concave to the southeast, to a calculated point not set for the south corner of the herein described 0.009 acres of land, said curve having the following elements: Delta Angle $00^{\circ}09'05''$, Radius Length 7,569.49 feet, Arc Length of 20.00 feet, Chord Bearing South $44^{\circ}11'44''$ West and a Chord Distance of 20.00 feet;

THENCE North $62^{\circ}20'25''$ West, continuing crossing over the said 2.925 acres of land, a distance of 20.85 feet to the **Point Of Beginning** and containing 0.009 Acres or 400 square feet of land, more or less.

BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83, GRID DISTANCE RECITED HEREIN.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.

Robert C. Steubing
Robert C. Steubing Registered Professional Land Surveyor No. 65848



12/03/2018
Date



EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES



Curve 1
Delta 03°51'50"
Radius 7,589.49'
Arc 511.81'
Bearing S 42°08'36" W
Distance 511.72'

Curve 2
Delta 00°09'04"
Radius 7,589.49'
Arc 20.00'
Bearing N 44°09'03" E
Distance 20.00'

Curve 3
Delta 02°28'20"
Radius 7,589.49'
Arc 327.47'
Bearing N 45°27'44" E
Distance 327.44'

Curve 4
Delta 71°15'11"
Radius 18.00'
Arc 22.38'
Bearing N 82°15'10" E
Distance 20.97'

Curve 5
Delta 00°09'05"
Radius 7,569.49'
Arc 20.00'
Bearing S 44°11'44" W
Distance 20.00'

North Lamar Boulevard
(Right of Way Varies)

See
Detail
1

Curve 2

P.O.B.

20' Electric Utility Easement
City of Austin
Doc 2001099720 OPRTCT

James P. Wallace
Survey No. 57
Abstract No. 789

Bremerton LLC
General Warranty Deed
Doc 2016177180 OPRTCT
Called Lot 5-A
Resubdivision Of Lot 5,
Block 8 Of Eubank Acres
Section 1
Vol 48 Pg 4 PRCT

PS TEXAS HOLDINGS, LTD.
Warranty Deed
Vol 12841 Pg 969 RPRTCT
Called 4.715 Acres

Santa Maria Village Apartments, LLC
Special Warranty Deed
Doc 2012212079 OPRTCT
Lot 1, Santa Maria Village
Vol 30 Pg 13 RPRTCT

Lot A
Limon-Dement Addition
Vol 78 Pg 289 PRCTCT
Larry Thomson and Rickie Thomson
General Warranty Deed (with Vendor's Lien)
Vol 11819 Pg 1742 RPRTCT
Called Lot B, Limon-Dement Addition
Vol 78 Pg 289 PRCTCT
S 62°20'25" E
10' Electric Utility Easement
City of Austin
Doc 2001099720 OPRTCT
298.95'
Lot B
George H. Dreyfus and
Domestic Dreyfus Loan
General Warranty Deed
Doc 2016073164 OPRTCT
Called 0.922 Acres
3/4" I.D.

West Powell Lane
(R.O.W. Varies)
8151 North Lamar, L.P.
General Warranty Deed
With Vendor's Lien
Doc 2014009267 OPRTCT
Lot A
Limon-Dement Addition
Vol 78 Pg 289 PRCTCT

West Powell, L.P.
General Warranty Deed
Doc 2000081511 OPRTCT
Called Lot 1
Lundbeck-Edwards Subdivision
Vol 75 Pg 143 PRCTCT



SCALE: 1" = 100'

Legend

- ⊙ Iron Pipe Found (Size as Noted)
- 1/2" Iron Rod Found
- ✕ X Cut in Concrete Found
- △ Calculated Point Not Set
- P.O.B. Point of Beginning
- OPRTCT Official Public Records, Travis County, Texas
- RPRTCT Real Property Records, Travis County, Texas
- PRCTCT Plat Records, Travis County, Texas

NOTES:

1. P.O.B. COORDINATES = N 10100770.802 E 3124004.038 GRID COORDINATES, TEXAS CENTRAL ZONE 4203, NAD83
2. BEARING BASIS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD 83, DISTANCES HEREON ARE GRID.
3. MAPSCO Panel No.: 525M Travis County Central Appraisal District ID No.: 239648

SHEET 1 OF 2

Rev: 2018/11/28

DRAWING: H:\Surveying\Transmission ckt\811\Surveying\Austin Energy's DWGs\Parcel 12 Permanent Easement\DWG\Parcel 12 Trans Easmt REVISED.dwg



EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

Easement and Conditions of Record as per Fidelity National Title Insurance Company

Commitment Number: CTA1601072 GF No.: CTA-07-CTA1601072JP

Issue Date: June 5, 2016 Effective Date: May 26, 2016

Only those items listed in Schedule B of the above referenced Commitment for Title Insurance were reviewed for the purpose of this Survey.

NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR.

There may be additional Easements, Restrictions or other encumbrances which affect this Survey that are not known to this surveyor.

1. The following Restrictive Covenants of Record: Document Number 2001121166 OPRTCT

DOES / DOES NOT EFFECT TRACT

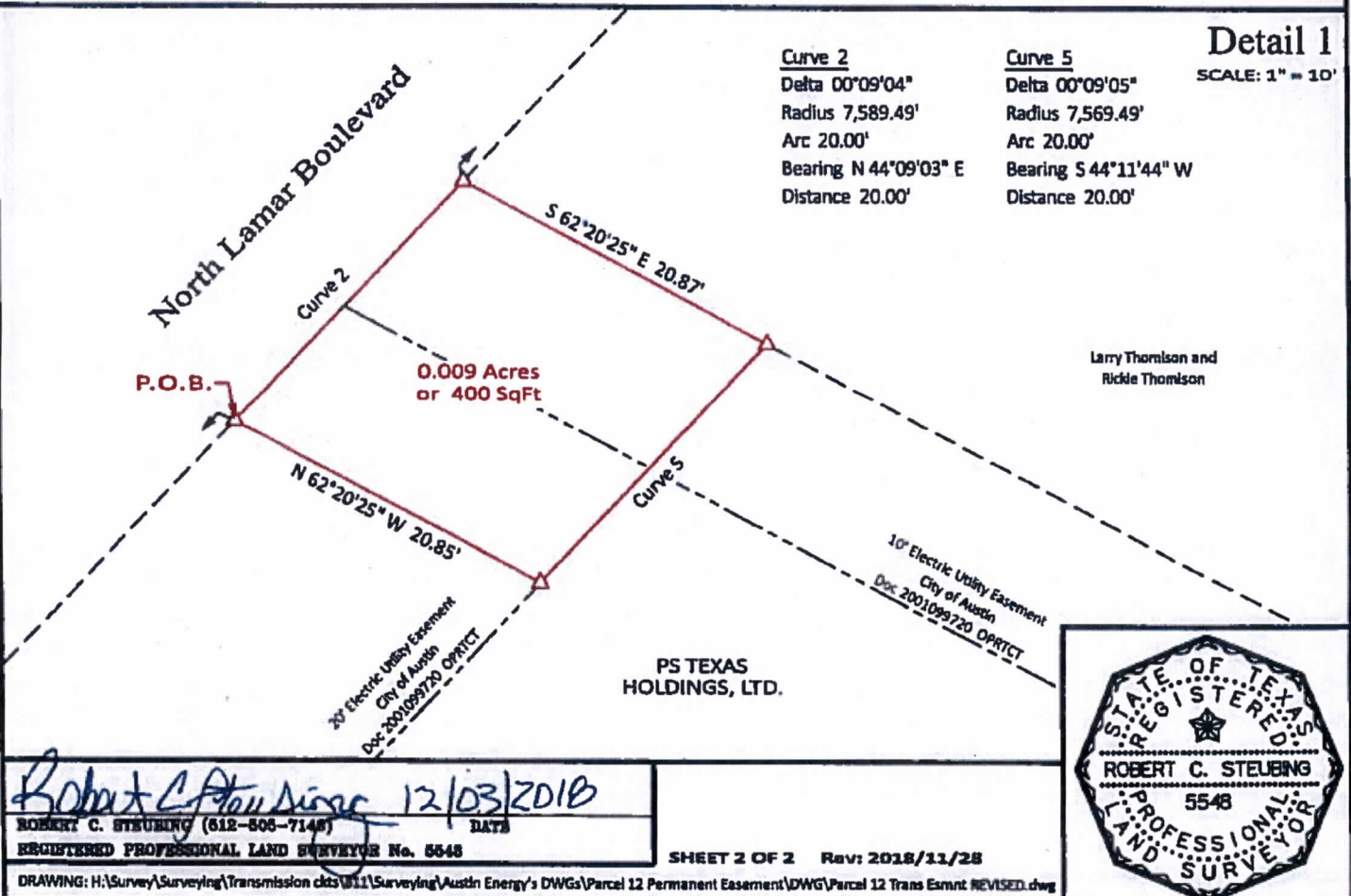
10 f. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Austin

Purpose: As provided in said Instrument

Recording No: Document No. 2001099720 OPRTCT

EFFECTS TRACT AS SHOWN HEREON




Proposed Electric Transmission and Distribution Easement

Owner: PS Texas Holdings, LTD

Parcel: 12

Location: 8129 N. Lamar Blvd

 Parcels


 Proposed Easement

2019 Aerial Imagery, City of Austin



*AE Public Involvement
& Real Estate Services*



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This document is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This has been produced by AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by AKatz

11/1/2019

